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condition of the Agreement. He further stated that the added area would be regulated as a front yard and that the added area would not increase the buildable area or floor area limit for the property. Additionally, for clarification, he suggested that a condition of approval be added to clarify that point. The proposed condition read: "The 15-foot front yard setback shall be measured from the front lot line as legally described by Lot Line Adjustment No. LA2009-006, not the front lot line resulting from this approval."

The Zoning Administrator opened the public hearing. Kurt Christianson, applicant, asked for clarification regarding the condition proposed by staff and where the front setbacks would be measured, whether the existing improvements would be affected and whether Condition No. 11 was standard or specific to his request. Staff and Zoning Administrator Wisneski explained that where the front setback is measured from would not change, that future reconstruction would be allowed the same floor area as the existing lot and not more, that the existing improvements in the abandoned right-of-way would be allowed to remain pursuant to the Purchase and Sale Agreement and that Condition No. 11 is a standard condition of approval and included in all discretionary approvals. Zoning Administrator Wisneski presented the option of a continuance to June 13, 2012 so Mr. Christianson could obtain counsel regarding Condition No. 11.

Mr. Jim Mosher provided the following comments and inquires:

- The specific date of City Council approval of the Purchase and Sale Agreement was August 9, 2011.
- That the City Council staff report mentions both a lot line adjustment and parcel merger as the process to incorporate the right-of-way and inquired about what the distinction was between the two.
- CEQA exemption No. 5 and whether the slope of the lot exceeded 20%.
- Clarification regarding Finding F.
- Whether a driveway could be built to provide access from Carnation Avenue.

Staff and Zoning Administrator Wisneski explained that the conditions of the Purchase and Sale Agreement required a lot line adjustment and that a lot line adjustment can be used instead of a parcel merger in some cases, which may be why both terms were used in the Purchase and Sale Agreement. In regard to CEQA, staff explained that the slope of the entire lot with the approval of the lot line adjustment would be less than 20% and that the exemption was appropriate. In regard to Finding F, it was discussed that it did not apply in this case because the lot was not being re-oriented and, that a driveway and curb-cut from Carnation Avenue would not be allowed because vehicular access from the alley is available.

Ed Foster, owner of the adjacent residential property at 2501 First Avenue, spoke in favor of the lot line adjustment.

Mr. Christianson indicated he was uncomfortable with Condition No. 11 and Zoning Administrator Wisneski explained that a continuance to allow him more time to seek counsel was an option. Mr. Christianson requested a continuance.

Action: Continued until June 13, 2012 at the request of the applicant.

4. PUBLIC COMMENTS ON NON-AGENDA ITEMS:

None.

ADJOURNMENT – The hearing was adjourned at 3:54 p.m.

The agenda for the Regular Hearing was posted on May 18, 2012, at 8:45 a.m. on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building and on the City's website on May 18, 2012, at 8:46 a.m.